

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 515 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No.

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BARODA MUNICIPAL CORPORATION

Versus

VADODARA CITY SUDHRAI NOKER MANDAL

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Appearance:

MR PRANAV G DESAI for Petitioner

MR NA PANDYA for the respondent

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 17/04/98

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ORAL JUDGEMENT

Rule. Mr. N.A.Pandya waives service of the Rule  
on behalf of the respondent. At the request of the

learned Advocates, this petition is taken up for final hearing to-day.

The Industrial Tribunal, Baroda, on 31-7-1997 has decided the reference being (IT) No. 57/87 in favour of the respondent by directing the petitioner Corporation to treat the suspension period of the concerned workman as on duty for the purpose of leave and increment etc i.e. from 6-3-71 to 31-12-71 when the concerned workman remained under suspension and pay him wages with 12% of interest thereon.

Mr. P.G.Desai, learned Advocate appearing for the petitioner has contended that the Tribunal has committed an error in awarding interest at the rate of 12%, especially when the reference was made at the instance of the respondent after a lapse of 13 years. Mr. Pandya, learned Advocate appearing for the respondent has pointed out that against the order of penalty of stoppage of five increments imposed on the concerned workman, he had preferred an appeal, which was decided only on 9-12-85 and, therefore, according to Mr. Pandya, there was no delay in making the reference. Mr. Pandya, however, has submitted that the concerned workman would be satisfied if interest at the rate of 6% instead of 12% is awarded to him.

Having considered the facts and circumstances of the case, since the only dispute is with respect to the interest awarded by the Industrial Tribunal, if 6% interest is awarded to the concerned workman, that would, in my opinion, meet with the ends of justice.

In the result, this petition is partly allowed. The award of the Industrial Tribunal , Baroda made in Reference (IT) No.57/87 is modified to the extent that instead of 12% interest the petitioner Corporation is directed to make payment of interest at the rate of 6% on the amount of wages payable to the concerned workman. The petitioner Corporation is also directed to calculate the amount to be paid with interest at the rate of 6% to the concerned workman and pay the same to the concerned workman within six weeks from to-day. Rule is made absolute to the aforesaid extent with no order as to costs.

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